

**REMARKS**

Claims 1-25 are pending in the current application. Claims 1, 11, 13, 17, 18 and 22 are independent claims. No new matter has been added. In view of the following remarks, favorable reconsideration and allowance of the present application is respectfully requested.

**Examiner Interview**

The Examiner is thanked for conducting an Examiner Interview with Applicants' representative on March 13, 2008. During the interview, proposed amendments to the independent claims were discussed and the Examiner indicated that he believed that the proposed amendments would change the scope of the claims and therefore require a further search.

**Rejections under 35 U.S.C. §103(a) Padova, Lai**

Claims 1-7, 11-14, 17, 18, 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Padova et al. (hereinafter "Padova"), U.S. Patent 6,574,211 in view of Lai et al. (hereinafter "Lai"), "Distributed Resource Allocation for DS-CDMA based Multi-media Wireless LANs," 21 October 1998, IEEE Proceedings of MILCOM 1998, pp. 583-588. Applicants respectfully traverse this rejection.

The Examiner asserts the combination of Padova and Lai teach the various features recited in independent claim 1. In particular, the Examiner cites (i) 810, 814, 816 and 818 of FIG. 8 and column 30, lines 11-18 of Padova and (ii) "section 3.2.4 Transmitter: Session Setup Continued, pg 586, step 2 where the rate of transmission is  $r_{ij}$  in the  $CTS_{ji}$  message)" of Lai as teaching the features of claim 1.

However, Applicants independent claims recite, for example, as shown in amended independent claim 1,

first scheduling a reverse link transmission by at least one mobile station by sending a schedule grant message according to a first scheduling protocol, the schedule grant message providing the at least one mobile station with approval to transmit at a specified rate, the schedule grant message further establishing a rate limit for subsequent transmissions based on a second scheduling protocol.

Applicants respectfully submit that the above cited portions of both Padovani and Lal appear to merely describe a scheduled transmission mode in which a grant message designates a transmission format such as data rate, frame/packet duration, and transmission power as described in paragraph [0002] in the background of the invention section of the Applicants' originally filed specification. For example, Padovani merely teaches that a mobile station can transmit a high speed data transmission upon a grant from a scheduling grant message protocol and Lal merely teaches that a mobile station can receive a scheduling grant message that indicates a specific transmission rate.

However, even if a base station in Padovani and/or Lal is considered to provide (i) an approval to transmit and considered to (ii) set a rate limit, which Applicants do not admit, neither Padovani nor Lal teach or suggest a schedule grant message that both provides approval and a specified rate, and further establishes a rate limit for subsequent transmissions. Therefore, Applicants respectfully submit that neither reference individually or in combination teach or suggest the above claimed features or the somewhat similar features of independent claims 11, 13, 17, 18, and 22 nor dependent claims 2-7, 12, 14, and 23.

Rejections under 35 U.S.C. §103(a) Padova, Lai, Bae

Claims 8-10, 15, 16, 19-21 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Padova in view of Lai and further in view of Bae et al. (hereinafter "Bae"), U.S. Patent Publication No. 2003/0093364. Applicants respectfully traverse this rejection. Applicants submit that Bae does not cure the deficiencies of Padova in view of Lai and therefore, dependent claims 8-10, 15-16, 19-21, and 24 are allowable at least for being dependent on allowable base claims.

**CONCLUSION**

Accordingly, in view of the above, reconsideration of the objections and rejections and allowance of each of claims 1-25 in connection with the present application is earnestly solicited.

As discussed above, Applicants respectfully request that the Examiner contact the undersigned to discuss the Applicants' reasoning and/or possible claim amendments that may place the application in condition for allowance.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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